

U.S. DEPT. OF JUSTICE  
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Dr McCarty

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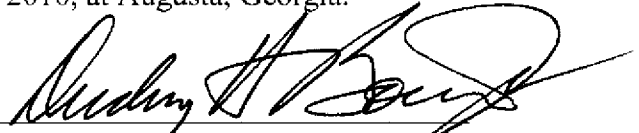
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After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Defendant's motion for sanctions is **GRANTED IN PART**. Defense counsel shall submit its request for expenses incurred in its attempt to depose Plaintiff and preparation of the resultant motion for sanctions within fourteen (14) days of the date of this Order; Plaintiff should then have fourteen (14) days to respond to that filing. Upon review of those submissions, the Magistrate Judge will then decide what award of reasonable expenses may be appropriate. Additionally, Plaintiff **SHALL** make himself available for his deposition in compliance with the Federal Rules of Civil Procedure within fourteen (14) days of the date of this Order. As such, the deadline for filing Civil Motions Excluding Motions in Limine is May 10, 2010. All other provisions of the June 11, 2009 Scheduling Order not revised herein shall remain in full force and effect.

Finally, the Court again cautions Plaintiff that he has a duty to cooperate fully in any discovery initiated by Defendant. Failing to attend his deposition and/or comply with any Court Order will not be tolerated and will undoubtedly subject Plaintiff to severe sanctions, including dismissal of this case. Fed. R. Civ. P. 37(b)(2), 37(d).

SO ORDERED this 18<sup>th</sup> day of March, 2010, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE